

**REQUEST FOR RECONSIDERATION**

Serial Number: 09/823,459

Filing Date: March 30, 2001

Title: METHOD AND APPARATUS TO PERFORM NETWORK ROUTING

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Steven Adams et al.	Examiner:	Toan D. Nguyen
Serial No.:	09/823,459	Group Art Unit:	2616
Filed:	March 30, 2001	Docket No.:	1020.P10679
Title:	METHOD AND APPARATUS TO PERFORM NETWORK ROUTING		

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Applicants have carefully reviewed and considered the Final Office Action mailed on May 7, 2007 and the cited references. In response to the Final Office Action, Applicants respectfully request review prior to the filing of an Appeal Brief.

**Claim Rejections – 35 USC §103(a)**

Claims 1-3 and 5-34 are pending in the present application.

Claims 1, 5, 8, 11-12, 15, 18, 20-21, 23, 25 and 29-32 currently stand rejected under 35 USC § 103(a) as being unpatentable over Tazaki (US 6,765,872) in view of Kobayashi (US 6,898,641).

Claims 2, 3, 6, 7, 9, 10, 13, 14, 16, 17, 19, 22, 24, 26, 28, 33, and 34 currently stand rejected under 35 USC § 103(a) as being unpatentable over Tazaki (US 6,765,872) in view of Kobayashi (US 6,898,641) further in view of Oguchi et al. (US 6,625,658).

Claim 27 currently stands rejected under 35 USC § 103(a) as being unpatentable over Kobayashi (US 6,898,641) further in view of Oguchi et al. (US 6,625,658).

Applicants respectfully traverse these rejections.

### REMARKS

Applicants submit that the cited references including Tazaki, Kobayashi, and Oguchi, whether taken alone or in combination, fail to teach or fairly suggest the features recited in independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29.

For example, independent Claim 1 recites:

1. (Previously Presented) A method to perform routing in a network, comprising:
  - receiving a packet to be routed to a destination at an intermediate network node configured to perform basic routing services for said packet;
  - determining whether said packet requires advanced routing services to route said packet to said destination which are not included in said basic routing services;
  - sending said packet from said intermediate network node to a hosted advanced routing server configured to perform said advanced routing services; and
  - routing said packet to said destination from at least one of said intermediate node and said advanced routing server.

As set forth at page 3 of the Final Office Action, Tazaki admittedly fails to teach or suggest sending a packet to an advanced routing server.

Tazaki describes a routing apparatus and a routing method for use when it is necessary to reserve a resource (for example, a resource relating to a communication such as a bandwidth and the like) at the time of communication in a communication network performing TCP/IP (Transmission Control Protocol/Internet Protocol) communication. (*See* col. 1, lines 5-15). The TCP/IP communication network **(12)** shown in FIG. 1 of Tazaki is configured with a video server **(13)** providing VOD service (video data) in response to a service request from each of video clients (terminals) **(14A, 14B)**, IP routers **(15-18)** each determining a transfer destination (route) of video data or a service request transmitted/received as IP packet data between the video server **(13)** and each of the video clients **(14A, 14B)**, and an ATM switch (ATM-based IP router) **(19)** having a routing function equivalent to those of the IP routers **(15-18)**, and the like. (*See* col. 6, lines 39-52). Each of the IP routers **(15-18)** other than the ATM-based IP router **(19)** comprises an interface card **(21)**, a forwarding engine **(22)**, an internal routing (high speed interconnecting) mechanism **(23)** and a router controller **(24)**, as shown in FIG. 2. (*See* col. 6, lines 53-57).

In Tazaki, the interface card **(21)** receives packet data to which at least a destination IP address (destination information) according to a destination (video client 14A, 14B, or the like) is to be provided the VOD service, for example. The interface card **(21)** can also receive an RSVP message (packet data for a reservation request) for reserving use of a resource (bandwidth) required to carry out the VOD service. The internal routing mechanism **(23)** performs the internal routing process to transfer the packet (including RSVP packet) received by the interface **(21)** to a router that is the next hop destination. The forwarding engine **(22)** controls the internal routing mechanism **(23)** on the basis of a normal IP routing table **(22A)** and an RSVP IP routing table **(22B)** as shown in FIG. 2.

The normal IP routing table **(22A)** is configured with information in which a destination IP address is corresponded to an address of the next router corresponding to the destination IP address. The RSVP IP routing table **(22B)** is configured with information (resource management information) in which information (a destination IP address and an address of the next router: routing information **22B-1**) similar to that of the normal IP routing table 22A is corresponded to information (idle bandwidth information) **22B-2** on an idle bandwidth quantity (state of use of the communication resource) in the next router.

According to Tazaki, the RSVP IP routing table **(22B)** is used only for determining the next hop destination when an RSVP packet is received, whereas the normal IP routing table **(22A)** is always used for a routing on a packet other than that. When the interface **(21)** receives a RSVP packet, the forwarding engine **(22)** secures a bandwidth required by the RSVP packet for VOD service, and determines an address of the next router on the basis of a destination IP address given in the information field **(27)** of the RSVP packet and information in an RSVP IP routing table **(22B)** as shown in FIG. 2. It is also noted that ATM-based IP router **(19)** employs a bandwidth/interconnection information management table for RSVP (22E) to handle RSVP packets like the other routers **(15-18)**.

Tazaki clearly teaches that all of its routers perform both normal IP routing and RSVP IP routing. When a particular router in Tazaki determines that RSVP IP routing is required, that same router performs the required RSVP IP routing. Consequently, there is no teaching of nor would there be a need in Tazaki for sending a packet from an intermediate node configured to perform basic routing services to “a hosted advanced routing server” configured to perform advanced routing services required to route a packet to a destination.

The portions of Kobayashi relied on by the Final Office Action to remedy the deficiencies of Tazaki and disclose sending a packet to a hosted advanced routing server are directed to a server 300. As previously argued, it is clear that the server 300 described in Kobayashi is an end user or destination of the packet. Accordingly, the server 300 in Kobayashi cannot be interpreted as the hosted advanced routing server configured to perform “advanced routing services to route said packet to said destination” even assuming that Kobayashi could be combined with the teachings of Tazaki.

In the Office Action, Oguchi et al. was relied upon for a teaching related to a virtual connection and does not teach or suggest performing advanced routing and/or network services.

For at least the reasons above, Applicants submit that the independent claims recite elements which distinguish the claims from the teachings of Tazaki, Kobayashi, and Oguchi, whether such references are taken alone or in combination with each other. As such, even if the cited references could be combined, which Applicants do not admit, such combination would still fail to teach or suggest all of the features of independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29. Therefore, the cited references, whether alone or in combination, are insufficient to render obvious independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29. Accordingly, Applicants request reconsideration and withdrawal of the § 103(a) rejections.

Respectfully submitted,

KACVINSKY LLC



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Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

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